

REMARKS

Claims 75-92 were rejected. Claims 75, 77 and 92 have been amended. Therefore, upon entry of this response, claims 75-92 will be pending in the application.

Claims 75-92 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,793,281 ("Long") in view of U.S. Patent No. 6,250,001 ("Gillespie"). Applicant respectfully submits that claims 75-92 are patentable over Long in view of Gillespie because neither reference, either alone or in combination, discloses every limitation recited in independent claim 75.

Specifically, independent claim 75, as amended, recites an output device for disposing proximally to a product and for generating sound. Claim 75 also recites a sensor for disposing proximally to the product such that the sensor can be actuated proximally to the product. Gillespie discloses neither an output device for generating sound nor a sensor. Long discloses sensors 14, 16a and 16b mounted on or disposed proximally to door 12. (*Long* – col. 2, lines 40-47; Figure 1). Sensors 14, 16a and 16b provide signals to message delivery device 22 and to door controller 18, which controls the operation of motor 20 to open and close door 12. (*Long* – col. 2, lines 50-52 and 61-64). Message delivery service 22 includes loudspeaker 32 for delivering audio messages as door 12 is opened or closed. (*Long* – col. 2, lines 62-65; col. 3, lines 13-15). Thus, the apparatus in Long requires that sensors 14, 16a and 16b and loudspeaker 32 be disposed on or around door 12, and not disposed proximally to a product. Therefore, neither Long nor Gillespie teach the claim limitations noted above.

Applicant respectfully submits that claims 75-92 are patentable over the combination of Long and Gillespie for the additional reason that there is no motivation to combine the references. The mere identification in the prior art of each element of the claimed invention does not render the modification obvious unless the prior art also suggests the desirability of the combination. M.P.E.P. § 2143. Long discloses an apparatus for delivering audible messages in response to activation of an automatic door. (*Long* – col. 1, lines 43-44). Long does not contemplate the use of any type of display, much less a floor display that conveys marketing information for a product that is proximal to the floor display. Furthermore, Gillespie does not contemplate any form of interactive advertising (*e.g.*, sensor, output

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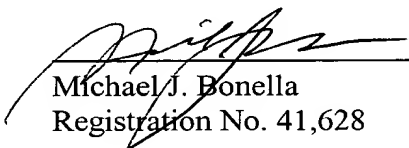
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37 CFR § 1.116

device, *etc.*). Therefore, there is no motivation for one skilled in the art to combine the apparatus disclosed in Long with the floor mat disclosed in Gillespie to form the claimed invention.

Claims 75-92 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-71 of Application No. 09/965,962. Applicant has not filed a response or an appeal for Application No. 09/965,962 within the maximum statutory period. Accordingly, applicant requests that this rejection be withdrawn.

Accordingly, applicant respectfully submits that independent claim 75 is patentable over the cited references and is allowable. As claims 76-92 depend from claim 75, applicant further submits that dependent claims 76-92 are likewise allowable. Reconsideration of the application and an early Notice of Allowance are respectfully requested.

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Michael J. Bonella
Registration No. 41,628

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439